

## ATTACHMENT J



1 August 2023

Chair and Commissioners  
Planning Commission  
c/o City of Phoenix, Planning and Development Department  
200 W. Washington Street, 2nd Floor  
Phoenix, Arizona 85003

**RE: TA-5-23 (ADUs); TA-8-23 (Affordable and Multi-Family Housing parking reductions)**

Mr. Chairman and Commissioners:

Attached with this letter is a correspondence the Neighborhood Coalition (NCGP) sent to all Village Planning Committees (VPCs) in July regarding the subject text amendments.

NCGP representatives presented on the subject at ten of the 15 VPCs.

Planning and Development submitted to you an addendum to the ADU text amendment. While we appreciate the effort to improve the TA, the changes have yet to be aired so we wish for a more fulsome public discussion before embracing the changes suggested.

We continue to stand by our recommendations—amending the ADU TA to improve the clarity of its impact on historic preservation districts, special planning districts and overlays, and HOAs and CC&Rs. We also think managing short term rentals (STRs) deserves a greater inspection.

We also believe that the proposed parking reductions to affordable and multifamily housing projects warrant substantial amendments to be considered viable on a citywide basis. Indeed, nine of the 15 VPCs voted to deny the reduced parking text amendment as presented to you.

Please consider the recommendations NCGP has offered you for both TAs.

Respectfully,

Neighborhood Coalition of Greater Phoenix members and friends

att.



11 July 2023

Chair and Committee Members  
Desert View Village Planning Committee  
c/o City of Phoenix, Planning and Development Department  
200 W. Washington Street, 2nd Floor  
Phoenix, Arizona 85003

**RE: TA-5-23 (ADUs); TA-8-23 (Affordable and Multi-Family Housing parking reductions)**

Chair and Committee members:

The Neighborhood Coalition of Greater Phoenix is registered with the Corporation Commission of the State of Arizona and has continuously been a member in good standing since 1984. Our members are from neighborhoods across the City of Phoenix.

**Background**

We understand that our nation is facing a housing shortage and that Arizona and Phoenix have not been spared from this shortage. NCGP members believe it falls upon all of us to help provide relief and a sustainable path forward.

In that spirit, members of the NCGP working group gathered to review and discuss the proposed subject text amendments the City has anticipated to address our housing shortage.

**2023 Arizona Legislative Session**

This year's session saw several housing bills make their way through the Legislature without success. Indeed, NCGP, its members and our partners across the Valley and the state were active in seeking 'no' votes from elected representatives. Ultimately, the bills were either voted down decisively, on a bipartisan basis, or they failed to make their way to the floor of either Chamber.<sup>1</sup>

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<sup>1</sup> Senate bill SB1117 was denied in the Senate on a bipartisan vote, failing 20 to 9 in March. The bill was then broken into 3 separate bills: HB1161, HB1163 and SB2536. On the final day of voting in June, SB2536 was defeated on a bipartisan basis, 19-10. HB1161 and HB1163 failed to get a vote on the House floor, ending the bill sponsor's push for so-called 'zoning reform.'

We provide this information to let VPC members know that all the text amendments coming through committees in the last several months--and now this month—can claim origins from the bills at the state legislature that we are intimately familiar with.

**Z-TA-5-23 (Accessory Dwelling Units or ADUs)**

Many of us think that ADUs can have a positive impact on the housing supply in our city. Yet, we believe that there are several elements of the proposed TA that require additional scrutiny. These are our comments and suggestions.

**I. Historic Preservation and other Special Planning/Overlay Districts:**

We have great concern that the TA as presented will create confusion and contention between this ordinance and the ordinances that govern properties of historic significance. Z-TA-5-23-Y must state that for historic properties, Chapter 8 of the Zoning Ordinance takes precedence over the design review standards for ADUs. Specifically, the proposed language states:

"(c) DWELLING UNITS ON LOTS ZONED OR DESIGNATED HP ARE EXEMPT FROM THE PROVISIONS OF SECTION 8.5, SO LONG AS THE PLANS ARE REVIEWED AND APPROVED THROUGH HISTORIC PRESERVATION PRIOR TO ISSUANCE OF ANY BUILDING PERMITS."

The phrase "so long as..." is imprecise and doesn't make it clear that ADUs in historic districts MUST be reviewed by the HP Office. The proposed language is subject to misinterpretation that a project may EITHER be approved by the HP Office OR incorporate the Design Guidelines of Section 8.5 of the TA.

To make it clear that ADUs in historic districts must have HP approval, we suggest the following language:

"Dwelling units within a historic district and/or with HP or HP-L zoning overlay are subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Section 8.5 herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall have precedence."

We also believe the proposed TA Section 702.F.1(b) (Special Parking Standards), likewise does not make it clear that HP approval is REQUIRED for the addition of parking to the front of a historic property (widening of driveways and curb cuts, etc.), and the language should be strengthened. The proposed language states:

"Spaces in excess of those required for single family and duplex residential uses may be located in the required front yard. However, all parking and maneuvering areas within the required front yard shall not exceed forty-five percent (45%) 50% OF THE AREA OF THE REQUIRED FRONT YARD, EXCEPT THAT A DRIVEWAY SHALL NOT BE REQUIRED TO BE LESS THAN 18' IN WIDTH UNLESS OTHERWISE STIPULATED BY HISTORIC PRESERVATION."

We think stronger language is needed to ensure that Historic Preservation regulation takes precedence over the ADU ordinance by deleting, "Unless otherwise stipulated by Historic Preservation", and adding the following sentence:

"Any and all changes to driveways, parking and maneuvering areas within a historic district and/or with HP or HP-L zoning overlay are subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Section 702.F.1 herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall have precedence."

Third, the proposed amendment Section 706.A.3.b (Accessory Dwelling Units (ADU)) is also worded in such a way that makes HP approval seem optional.

The proposed language states:

"b. A DETACHED ADU, WHEN VISIBLE FROM ADJACENT STREETS, SHALL BE CONSTRUCTED WITH SIMILAR AND/OR COMPLEMENTARY MATERIALS, DESIGN, AND COLOR(S) AS THE PRIMARY DWELLING UNIT, OR AS MAY BE APPROVED BY HISTORIC PRESERVATION FOR HP ZONED OR DESIGNATED PROPERTIES. (P)"

Instead of using the imprecise phrase, "or as may be approved", the language should be strengthened as follows to make it clear HP approval is REQUIRED for historic properties:

Delete the phrase "or as may be approved by Historic Preservation..." and add the following sentence:

"A detached ADU within a historic district and/or with HP or HP-L zoning overlay is subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Chapter 7, Section 706.A.3.b herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall take precedence."

## **II. Parking for ADUs**

We agree that the amount of the front yard that can be allowed for parking needs to increase from 45% to 50% for parcels that are approved for an Additional Dwelling Unit. We also know, based on experience, that on-street parking will become more frequent.

To ensure that property owners in proximity to a property with an ADU is not inconvenienced or that use of their property is not diminished, on-street parking should be regulated. Please note that homes subject to Historic Preservation, Special Zoning and Overlay Districts are still subject to whatever specific regulation(s) applies to those properties per the first consideration in this position statement.

Combining on-site and on-street parking concerns, the regulation should read:

“A minimum of 1 parking space shall be available either on-site with adherence to Section 720.F.1 as amended to 50% of the front yard, or on-street parking that must only be in front of the subject property unless the property is a corner lot and side-street parking is possible.”

Consideration should also be given to adding language to ensure visibility triangles are maintained.

### **III. Short Term Rental**

We appreciate the addition of the paragraph in the revised TA requiring a Restrictive Covenant but do not feel it is strong enough to meet the City’s goal of increasing affordable housing supply for permanent residents. As currently worded, the Restrictive Covenant will preclude investors who own residential property from applying for an ADU, but it does not prevent an owner-occupied property from renting an ADU on a short-term basis. The consequence will have a negative impact on affordable housing for first time renters (e.g., college-aged adults), and temporary workers (e.g., traveling nurses), among others.

The Restrictive Covenant paragraph should be revised to add the regulation that ADUs, if rented, must be for a term of no less than thirty (30) days. The current City of Flagstaff ordinance states:

(a)The property owner, which includes title holders and contract purchasers, shall occupy either the primary dwelling unit or the ADU as their principal residence, unless the primary dwelling unit and ADU are allowed to be separately leased or rented in accordance with subsection G of this Section.

(b)The primary dwelling unit or the ADU that is not occupied by the property owner that is rented or leased shall be for a period of no less than 30 days.

### **IV. Homeowners’ Associations/ CCRs**

The proposed TA does not address coordination with Homeowners’ Associations or Covenants, Conditions and Restrictions. By law, these contracts must be honored in addition to municipal codes and ordinances. This TA should state that applicants for ADUs must comply with HOA and Covenants, Conditions and Restrictions in addition to the provisions of the ordinance.

### **Z- TA-8-23 (Affordable and Multi-Family Housing parking reductions)**

We understand the desire to relieve what developers perceive as parking ‘constraints.’ We generally believe, however, that a ‘one size fits all’ approach to parking reductions does not reflect a thoughtful approach for a city of 517 square miles.

Any reduction in the current parking space calculations for multi-family housing, in any district and any price category, will put the burden of parking on public streets throughout the city. Therefore, any revisions to the current ordinance need careful consideration.

We believe this TA is being rushed through the approval process without such diligence. With the goal of working together to find suitable solutions, we make observations and propose revisions to the current ordinance as follows:

**I. Parking space calculations for multi-family developments** should only be based on proximity to currently available transportation options. They should never be based on the rental rates of the units (i.e., luxury, affordable, market rate, low-income/subsidized). It is discriminatory to believe that people who live in lower-priced housing do not have or do not want personal vehicles.

**II. Because of the cost of apartment rentals, more units of every size are being shared by two or more people, oftentimes housemates rather than couples.** Expecting that no occupant will have a car, even in TODs and WU code areas, is not based on empirical data.

**III. Reducing the on-site parking requirements for multi-family housing might be appropriate for residents living in the Downtown Core, Transit Oriented and WU Code districts, yet it is not acceptable to residents living outside of those districts.**

Phoenix is the second largest city by area in the United States. Because of the lack of convenient, reliable public transportation in every Phoenix Village outside of downtown and within walking distance of light rail, residents depend on personal vehicles to go to work, to the grocery, and to the entertainment venues clustered in downtown.

Those residents who do not live downtown will also need parking to continue enjoying all that downtown has to offer. If all the street parking is taken by downtown residents, commuting patrons will be deterred from attending events.

**IV. Include a requirement that visibility triangles must be maintained.**

A. Reducing on-site parking to encourage more density with potentially small front and side setbacks could lead to encroachment on the visibility triangle that is a necessity to ensure safety.

**V. City-wide Multi-family Parking Requirement**

A. The base parking space requirement should be 1.5 spaces per dwelling unit.

- i. This simplifies the calculation instead of calculation based on size of DU
- ii. Maintains the current requirement as the most frequently built size of unit (1-2 bdrm)
- iii. Averages the current requirements (1.25/efficiency; 1.5/1-2 bdrm; 2/3 bdrm)

iv. It should not be less than the current efficiency DU requirement

**VI. Citywide Affordable housing Parking Reduction**

- A. Delete this provision because it does not consider proximity to alternative to personal vehicle modes of transportation.

**VII. Infill Development District Parking Reduction**

- A. Delete the calculations entirely
- B. Use 10% bonus density incentive

**VII. Walkable Urban (WU) Code affordable housing parking requirements**

- A. Required parking should never be “zero”
- B. Parking for handicapped residents should always be required and maintained
- C. It should not be expected that residents living in affordable housing in the areas of the WU Code will not have personal vehicles
- D. It should not be expected that residents living in affordable housing in the areas of the WU Code will never have a guest with a personal vehicle

**IX. Passenger Loading Zones within WU Code**

- A. Also require parking of service vehicles (e.g., repair technicians) that require more time than the other stated examples
- B. Also require parking for renter move-in/move-out vehicles that require more time than the other stated examples

**Process: Lack of neighborhood outreach**

In a June 1, 2023, staff report to the City of Phoenix Planning Commission, PDD staff wrote:

*Staff obtained input from various stakeholders and held four meetings to review and request additional input on the proposed text amendment. Stakeholders included individuals from the following organizations:*

- *Manufactured Housing Communities of Arizona (MHCA)*
- *Manufactured Housing Industry of Arizona (MHIA)*
- *Arizona Department of Housing Board of Manufactured Housing Member*
- *Affordable Housing/Private Developers*
- *Arizona State University, Real Estate Development*

While we understand that staff feels the need to reach out to industry representatives to understand their position, so, too does staff need to reach out to citizens and neighborhoods to understand the issues of the vast swaths of residents who will be impacted by these proposed sweeping changes to our housing stock.

Does the City of Phoenix think that simply vetting these proposals—changes that can have a vast impact on the existing population—should only be presented to VPCs?

Clearly, some VPCs took issue with the speed and confusion of the proposals of the initial two text amendments when they were presented. It appears six of 15 VPCs did not meet quorum on the first go-around; yet another VPC did not meet quorum last night.

We ask: How can vast changes to the entire city be vetted by, perhaps, 150 people or less?

**Next steps: Approve our recommended amendments**

We have pored over these proposals to identify the gaps and looked ahead to stave off unintended consequences. We've shared those with you here. Simply approving what's been presented in your packet would be to ignore the serious concerns we've presented without rectifying those issues.

The Neighborhood Coalition looks to make these TAs the strongest and most applicable they can be. We would be disappointed if members simply approved the proposals "as is" because we don't want to see this opportunity squandered for the sake of speed, with all of us missing out on something that can truly help our city now and in the future.

Respectfully,

Neighborhood Coalition of Greater Phoenix (NCGP)

Neal Haddad, President, NCGP; Arcadia Osborn Neighborhood Association

B. Paul Barnes, Vice President, NCGP; AZ APA Distinguished Citizen Planner; former CEVPC chair

Mary Crozier, President, North Central Phoenix Homeowners Association

Sandy Grunow, Co-Chair, Mid-Century Modern Neighborhood Association

Dave Jackson, President, Rancho Ventura Neighborhood Association

Jack Leonard, architect, AIA, NCARB, LEED AP; 2015 General Plan update committee;

former Camelback East and Encanto Village Planning Committees

Michael Phillips, President, Arcadia Camelback Neighborhood Association

Jackie Rich, President, Murphy Trail Estates Neighborhood Association

Larry Whitesell, Co-Chair, The Peak Neighborhood Association





July 28, 2023

Helana Ruter  
Interim Historic Preservation Officer  
City of Phoenix  
200 West Washington St., 3rd Floor  
Phoenix, AZ 85003

**Re: Importance of Abiding by City of Phoenix Historic Preservation Ordinance for ADUs**

Dear Helana:

Historic preservation ordinances play a crucial role in maintaining the cultural and architectural heritage of the City of Phoenix. These regulations safeguard properties of historic significance, and their architectural characteristics including their setting and overall density. The proposed “ADU ordinance”, Z-TA-5-23 (Accessory Dwelling Units or ADUs), has garnered much attention for its potential to increase housing supply. While ADUs can be beneficial, it is vital to address concerns regarding density considerations in order to ensure the coexistence of ADUs with historic neighborhoods, and in some cases individual historic properties.

**I. Protecting Historic Properties:**

The City recognizes the importance of preserving its historic districts and properties. It is crucial to avoid any conflict between Z-TA-5-23-Y and the existing historic preservation ordinances and other regulations relating to lot coverage, height and scale – especially in the historic neighborhoods. It is therefore imperative that Z-TA-5-23-Y explicitly states that Chapter 8 of the Zoning Ordinance takes precedence over any new design review standards for ADUs in regards to properties and neighborhoods listed on the Phoenix Historic Property Register.

To avoid confusion, the language of all proposed regulations pertaining to ADUs should be revised to state that **“Dwelling units within a historic district and/or with HP or HP-L zoning overlay are subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Phoenix Zoning Ordinance.** In the event the provisions of Section 8.5 therein or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall have precedence.”

## **II. Strengthening Parking Standards:**

The proposed TA Section 702.F.1(b) should be amended to emphasize that HP approval also pertains to driveways, parking, and maneuvering areas within a historic district or properties with HP or HP-L zoning overlay. Driveways are often character-defining aspects of properties that effect the overall character of the site and setting. This revision is necessary to maintain the integrity and character of historic neighborhoods.

To achieve this, the phrase "Unless otherwise stipulated by Historic Preservation" should be removed from section 702.F.1 and the following sentence should be added: "Any and all changes to driveways, parking, and maneuvering areas within a historic district and/or with HP or HP-L zoning overlay are subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Section 702.F.1 herein or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall have precedence."

## **III. Ensuring Compliance for ADUs in Historic Districts:**

The proposed amendment to Section 706.A.3.b of the ADU ordinance requires careful wording to make it evident that HP approval is mandatory for ADUs within historic districts or properties with HP or HP-L zoning overlay.

To achieve clarity, the phrase "or as may be approved by Historic Preservation..." should be removed, and the following sentence should be added: "A detached ADU within a historic district and/or with HP or HP-L zoning overlay is subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Chapter 7, Section 706.A.3.b herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall take precedence."

## **IV: Department Coordination and Permit Streamlining:**

There needs to be a concerted cross-departmental effort to resolve any zoning conflicts between Historic Preservation and conventional standards. Conflicts between various departmental objectives will constrain the effectiveness of the design guidelines pertaining to historic and architectural factors. The internal inefficiencies will put more pressure on the Historic Preservation Office to simply capitulate in deference to the goal creating the more housing units. If the Historic Preservation Officer, and the office staff does not have clear consensus to balance the objectives to protect the context of the historic neighborhoods, the overall character of the historic neighborhoods will quickly deteriorate due to the influx of new housing units.

The zoning ordinance needs to be thoroughly reviewed and conflicting policies addressed across departments such as Site Development, Site Planning, Parking, Traffic, etc. Property owners and ADU designers need to have access to a clear flow chart of the regulatory requirements to achieve the intent of the ADU ordinance with existing historic preservation objectives and guidelines.

It is crucial to implement these proposed revisions to Z-TA-5-23-Y to ensure the continued preservation of our city's rich heritage.

Sincerely,



Roger Brevoort  
Chair, Advocacy Committee  
Preserve Phoenix

cc: Kate Gallego, Mayor  
Members of Council  
Alan Stephenson, City of Phoenix  
Josh Bednarek, City of Phoenix  
Kevin Weight, City of Phoenix  
Members, Historic Preservation Commission  
G.G. George, Phoenix Historic Neighborhoods Coalition  
Neal Haddad, Neighborhood Coalition of Greater Phoenix  
Jim McPherson, Arizona Preservation Foundation  
Donna Reiner, Postwar Architecture Task Force of Greater Phoenix

## Racelle Escolar

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**From:** jvrich@gmail.com  
**Sent:** Tuesday, August 1, 2023 5:46 PM  
**To:** PDD Planning Commission  
**Subject:** Comments on Agenda Items 16 and 7 (Z-TA-5-23-Y and Z-TA-8-23-Y)

Dear Planning Commissioners,

I am writing this email to urge you to take your time in considering the proposed complex text amendments pertaining to Accessory Dwelling Units and Reduced Parking Requirements. Do not rush into a decision before you are comfortable that what you are acting on will not come back and bite you and the city of Phoenix at a later date.

These two text amendments will have a big impact on Phoenix and Phoenicians. They sprung from the Planning Department, were sent to the Village Planning Committees for their recommendations (all of whom are Council appointees), now you, also Council appointees, are considering them, and then finally, the Council will act on them. The public's opportunity to provide input was neither publicized or solicited. No neighborhood stakeholders were included in their development. While there were articles in the AZ Republic about the Accessory Dwelling Unit amendment as early as July 3, the first article on the parking reduction text amendment was on July 19, when all but 3 VPCs had already met and made recommendations. It is also worth mentioning that the agendas for the VPCs did not identify Z-TA-8-23-Y as reducing required parking although they identified the other amendment as allowing ADUs. Instead the agenda listed all the sections that needed to be changed so that someone looking at it would have no idea what that text amendment was actually about.

The only members of the public who have participated in the VPC meetings are people who serve on a different VPC, work for an industry that would benefit from these amendments, or neighbors and neighborhood groups who accidentally found out about the amendments. I have been to five VPC meetings, each of which lasted for as long as 3.5 hours, just to be able to speak for 2 minutes max on each text amendment. (Note, some VPCs allowed more time for members of the public to speak - just not the ones I attended.) At the meetings I attended, I was not allowed to ask questions. Following public comments, staff often offered a rebuttal to what members of the public said, and after that the public was ignored - no opportunity for any of us to answer questions that came up or to respond to incorrect information. It was frustrating.

I have other concerns about the VPC meetings. The packets that were sent to the VPC members online were well in excess of 200 pages. Some packets weren't sent out until after 3:30 pm the day of the meeting; some VPC members never received a packet; other VPC members received packets but didn't read them (perhaps because of lack of time or because of the length). There was a questionable email conversation about the text amendments that all VPC members were part of and which was potentially in violation of the Open Meeting Law that was referred to at a VPC meeting by several VPC members. Several of the VPCs did not have a quorum in June and so learned about the text amendments for the first time in July when they were expected to vote on them.

Some of the Planning Commission members are essentially in the same position as those VPC members who had the least amount of time to learn about the text amendments. They are hearing staff's presentation about these complex text amendments on the same night they are expected to vote on them. Your consideration of the text amendments will be late in the night after considering 13 other cases. How many hundreds of pages were in your packet? The text amendments alone are a lot of information to digest in an evening.

These text amendments are too important and consequential to be rushed through and there is no compelling reason to do so. I urge you to take your time and give these text amendments the time and attention that they deserve.

Thank you,

Jackie Rich  
Murphy Trail Estates Neighborhood Association

## Racelle Escolar

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**From:** Opal Wagner <opal.wagner@gmail.com>  
**Sent:** Tuesday, August 1, 2023 9:43 AM  
**To:** PDD Planning Commission  
**Cc:** Council District 4; Joshua Bednarek; Helana Ruter; Tricia Gomes; Bradley Brauer  
**Subject:** URGENT: Letter Re: Z-TA-5-23-Y (Item #16 at Aug. 2nd Planning Commission)  
**Attachments:** Gmail - Text Amendment Z-TA-5-23-Y (ADUs).pdf

Dear Planning Commissioners:

I am writing to request that Z-TA-5-23-Y (the text amendment permitting ADUs in Phoenix) be revised and amended to clarify that, for ADU applications in historic districts, Phoenix's existing **Historic Preservation guidelines supersede the design standards in the text amendment.**

Upon receipt of Z-TA-5-23-Y as a member of the Encanto Village Planning Committee, I immediately became concerned about confusing wording in the TA that gives the impression that compliance with the Historic Preservation Office approval process and guidelines is optional. I immediately called Helana Ruter, the City's Historic Preservation Officer to let her know of my concerns, which I followed up in a letter with suggested changes to the TA (see attached). I also sent a copy of the TA to a local attorney involved in preservation matters, who agreed with my assessment of the confusing wording and deemed the TA "poorly drafted" with regard to historic properties.

At the Encanto Village Planning Committee meeting on July 10th, I presented these concerns to Mr. Chris DePerro, the author of the TA. Although the purpose of presentation of text amendments to the Village Planning Committees is to receive the members' feedback to improve the final version, this was not the case, as Mr. DePerro pushed back on every suggested change, insisting he knew what he was doing based on his many years of experience, stating no changes were needed. He said the "intent" of the text amendment was that it was subordinate to HP guidelines, while acknowledging this was not expressly stated in the TA. I told Mr. DePerro I would have to vote "no", since I had to vote on the language in front of me - not his "intent."

I believe the revisions stated in my letter to Helana Ruter and expressed to Mr. DePerro at the EVPC meeting are necessary **to clarify that the existing City of Phoenix Historic Preservation guidelines supersede the design standards in the text amendment.** Without this additional language and clarification, it is likely the text amendment's wording may be misconstrued to create the impression that HP guidelines are optional and may be overridden. I am concerned that it is also unclear whether special planning and conservation districts, zoning overlays and HOAs may be superseded by Z-TA-5-23-Y. All these concerns could be laid to rest with a few simple revisions.

I urge you to pass Z-TA-5-23-Y with the revisions suggested in my attached letter, as well as those suggested by the Phoenix Historic Neighborhoods Coalition, Neighborhoods Coalition of Greater Phoenix, several of the VPCs and others. This text amendment is transformational in its nature and, in my opinion, we all need to slow down and take the time to get it right.

Sincerely,

Opal Wagner  
330 W. Coronado Rd.  
Phoenix, AZ 85003  
520-444-5698



Opal Wagner &lt;opal.wagner@gmail.com&gt;

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**Text Amendment Z-TA-5-23-Y (ADUs)**

1 message

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**Opal Wagner** <opal.wagner@gmail.com>  
To: Helana Ruter <helana.ruter@phoenix.gov>  
Bcc: Opal Wagner <opal.wagner@gmail.com>

Thu, Jul 6, 2023 at 12:45 PM

Dear Helana,

Thanks for taking the time to talk with me this morning about concerns I have with language in the above TA as it applies to Phoenix's historic districts. I believe the TA as written fails to make it clear that ADUs in historic districts must comply with the design review procedures and standards of Chapter 8, the Historic Preservation Zoning Ordinance. To recap, the specific concerns I have are as follows:

1) The proposed amendment to Chapter 5, Section 507 Tab A 11.C 8 (Single-Family Detached Design Review) (p. 6, Section 8(c) of the TA) does not make it clear that, for historic properties, Chapter 8 of the Zoning Ordinance takes precedence over the design review standards for ADUs set forth in the TA. The current language states:

"(c) DWELLING UNITS ON LOTS ZONED OR DESIGNATED HP ARE EXEMPT FROM THE PROVISIONS OF SECTION 8.5, SO LONG AS THE PLANS ARE REVIEWED AND APPROVED THROUGH HISTORIC PRESERVATION PRIOR TO ISSUANCE OF ANY BUILDING PERMITS. ."

I think the phrase "so long as..." is imprecise and doesn't make it clear that ADUs in historic districts **MUST** be reviewed by the HP Office. I think the current language is subject to misinterpretation that a project may **EITHER** be approved by the HP Office **OR** incorporate the Design Guidelines of Section 8.5 of the TA. In order to make it clear that ADUs in historic districts must have HP approval, I suggest the following language:

"Dwelling units within a historic district and/or with HP or HP-L zoning overlay are subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Section 8.5 herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall apply."

2) I believe the proposed amendment to Section 702.F.1(b) (Special Parking Standards) (p. 178 of the TA), likewise does not make it clear that HP approval is **REQUIRED** for the addition of parking to the front of a historic property (widening of driveways and curb cuts, etc.), and the language should be strengthened. The current language states:

"Spaces in excess of those required for single family and duplex residential uses may be located in the required front yard. However, all parking and maneuvering areas within the required front yard shall not exceed forty-five percent (45%) 50% OF THE AREA OF THE REQUIRED FRONT YARD, EXCEPT THAT A DRIVEWAY SHALL NOT BE REQUIRED TO BE LESS THAN 18' IN WIDTH UNLESS OTHERWISE STIPULATED BY HISTORIC PRESERVATION."

I think it should be made clear that HP approval is **REQUIRED** for changes to front yard parking for historic properties by deleting, "Unless otherwise stipulated by Historic Preservation", and adding the following sentence, "Any and all changes to driveways, parking and maneuvering areas within a historic district and/or with HP or HP-L zoning overlay are subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Section 702.F.1 herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall apply."

3) The proposed amendment to Chapter 7, Section 706.A.3.b (Accessory Dwelling Units (ADU)) (p. 180 of the Text Amendment) is also worded in such a way that makes HP approval seem optional.

The current language states:

"b. A DETACHED ADU, WHEN VISIBLE FROM ADJACENT STREETS, SHALL BE CONSTRUCTED WITH SIMILAR AND/OR COMPLEMENTARY MATERIALS, DESIGN, AND COLOR(S) AS THE PRIMARY DWELLING UNIT, OR AS MAY BE APPROVED BY HISTORIC PRESERVATION FOR HP ZONED OR DESIGNATED PROPERTIES. (P)"

Instead of using the imprecise phrase, "or as may be approved", I think the language should be strengthened as follows to make it clear HP approval is REQUIRED for historic properties:

Delete the phrase "or as may be approved by Historic Preservation..." and add the following sentence:

A detached ADU within a historic district and/or with HP or HP-L zoning overlay is subject to review by the City of Phoenix Historic Preservation Office pursuant to Article 8 of the Zoning Ordinance. In the event the provisions of Chapter 7, Section 706.A.3.b herein, or other ordinance or regulations are inconsistent with Article 8 of the Zoning Ordinance (Historic Preservation), Article 8 shall apply."

As I mentioned this morning, this TA is on the Encanto Village Planning Committee agenda for a possible vote on Monday, July 10th. I wanted to make the HP Office aware of my above concerns with some of the language of the TA and how it might be misconstrued to weaken the HP Office's role with regard to ADU approval. If you share these concerns with any of the TA's current language or have any stipulations to offer, the committee would surely value hearing from you.

Thanks again for taking the time to hear my concerns and have a great rest of your day.

Sincerely,

Opal

PS I've attached a copy of the TA for handy reference (the highlighting is mine). -O.

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 **Z-TA-5-23-Y\_Accessory Dwelling Units-2.pdf**  
5004K